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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/848,243	04/29/97	NAGANO	M 35.C9371-CIT

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK NY 10112

EXAMINER

WILSON, J

ART UNIT	PAPER NUMBER
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2612

DATE MAILED:

10/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

08/848,243

Applicant(s)

Nagano

Examiner

Jacqueline Wilson

Group Art Unit

2712



☒ Responsive to communication(s) filed on Jul 28, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-45 is/are pending in the application.

Of the above, claim(s) 13-45 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirements.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2612

DETAILED ACTION III

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toda et al. (U.S. 5,047,847).

Regarding Claim 1, Toda et al. '847 teaches a physical element having a light transmission factor and a light transmission amount at least one of which is changeable (referred to as an LC iris; col. 23, lines 5-15; col. 28, lines 50-60), a photoelectric conversion means for receiving an optical image transmitted through the physical element at a position of an imaging plane and for converting the optical image into an electrical image signal (referred to as a CCD, See fig. 41; col. 27, lines 10-24), and a correction means for correcting a change of a spectrum characteristic in accordance with a change of at least one of the light transmission factor and the light transmission amount of the

Art Unit: 2612

physical element (col. 30, lines 6-13). However, Toda et al. '847 does not specifically teach a memory means for storing a plurality of correcting information for correcting a change in a spectrum characteristic of the physical element with respect to a change of at least one of the light transmission factor and the light transmission amount of the physical element, and the correction means corrects the change in the optical characteristics of the physical element in accordance with the correcting information read out from the memory means. However, it would have been obvious, if not inherent, for Toda et al.'847 to have a memory means which stores correcting information corresponding to at least one of the light transmission factor and the light transmission amount of the physical element. As stated in col. 29, lines 35-42, Toda et al.'847 discloses that the white balance correcting circuit 427 controls the gain of the color signal level so that the spectral transmission variation of the iris value may be corrected. Figure 42 shows spectral characteristics in which the iris is fully opened and throttled. In order to correct for spectral characteristics based on the output, it would have been obvious to have a memory with stored correction values for changing these characteristics so that even when the iris varies, the spectral transmission variation may be corrected since Toda et al.'847 states that the white balance correcting circuit makes a correction in response to the characteristics and outputs. Therefore, it would have been obvious to one having ordinary skill in the art to have a memory means for storing a plurality of correcting information for correcting a change in a spectrum characteristic of the physical element caused by a change of at least one of the light transmission factor and the light transmission amount of the physical element, and the correction means corrects the change in the spectral characteristics of the physical element in accordance with

Art Unit: 2612

the correcting information read out from the memory means corresponding to the light transmission factor or the light transmission amount of the physical element.

Regarding Claim 2, Toda et al. '847 teaches the correction means adjusts a correction amount of wavelength dependency characteristics of the light transmission factor (col. 29, lines 40-42).

Regarding Claim 3, Toda et al. '847 teaches the correction by the correction means is achieved by auto white-balance control for an output signal from the photoelectric conversion means (col. 29, lines 22-28; col. 29, lines 35-40).

Regarding Claim 4, Toda et al. '847 teaches the correction of the correction means is achieved by changing a sensitivity of the photoelectric conversion means in accordance with a light wavelength (col. 29, lines 20-36).

Regarding Claims 5 and 6, Toda et al. '847 teaches the correction by correction means is achieved by another physical element (filter) capable of controlling a light transmission factor in the photographing optical system (Fig. 56, element 650; col. 37, lines 47-60).

Regarding Claim 7, Toda et al. '847 teaches a correction means comprising a storage means for storing at least one of the light transmission factor wavelength dependency of the physical element and the correction amount of the light transmission factor wavelength dependency of the physical element (referred to as color correcting memory, Fig. 45, element 440; col. 31, lines 3-6).

Regarding Claim 8, Toda et al. '847 teaches the storage means stores at least one of a plurality of light transmission factor wavelength dependencies and a plurality of correction amounts

Art Unit: 2612

in accordance with at least one of the light transmission factor and the light transmission amount of the physical element (col. 31, lines 1-12).

Claim 9 is analyzed and discussed with respect to Claim 1. (See rejection of claim 1 above.)

The exposure amount adjustment means is the white balance correcting means (427).

Claims 10 and 11 are analyzed and discussed with respect to Claim 2. (See rejection of claim 2 above.)

Claim 12 is analyzed and discussed with respect to Claim 1. (See rejection of claim 1 above.)

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Art Unit: 2612

5. Any inquiries concerning this communication from the examiner should be directed to **Jacqueline Wilson** whose telephone number is (703) 308-5080. The examiner can normally be reached Monday-Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached at (703) 305-4929. The fax number for this group is (703) 308-6306/6296.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or Faxed to:

(703) 308-9051, (for formal communication intended for entry)


or:

(703) 308-6306/6296, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

JBW

October 06, 2000


Wendy Garber
Supervisory Patent Examiner
Technology Center 2700